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ANDREW M. CUOMO
Attorney General

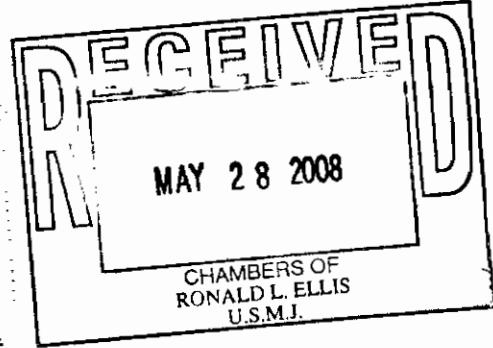
DIVISION OF STATE COUNSEL
Litigation Bureau

May 27, 2008

VIA FIRST CLASS MAIL

Honorable Ronald L. Ellis
United States Magistrate Judge
Southern District of New York
500 Pearl St., Room 1970
New York, NY 10007

Re: Andino, et al. v. Fischer, et al.
08-CV-00558 (VM) (RLE)



Dear Judge Ellis:

I am an Assistant Attorney General in the office of Andrew M. Cuomo, Attorney General of the State of New York, counsel for defendants Superintendent Raymond J. Cunningham, Deputy Superintendent of Programs Jean King, Deputy Superintendent of Security Paul Gonyea, Deputy Superintendent of Administration Peter Chiavarro, Lieutenant Steven Katz, Correction Officers Douglas D. DePaolo and Daniel J. Mazzaraco in the above-referenced complaint (I am forwarding the waivers of service for these defendants to the pro se incarcerated plaintiffs because they apparently have not been received). I also represent the Department of Correctional Services, whose deadline to respond to the above-referenced complaint is June 4, 2008. The complaint appears to seek compensatory and injunctive relief for the plaintiffs' claims that they were retaliated against, under 42 U.S.C. § 1983, for filing complaints regarding the alleged denial of their requests for reasonable accommodations under Title II of the Americans with Disabilities Act. At this time, eight of the seventeen defendants have been personally served. Counsel for defendants will likely represent all named defendants eventually served. On behalf of the served defendants, I respectfully request a ninety-day extension to respond to the complaint until September 2, 2008, to allow for receipt of the records and discussions with my clients. This is my first request for an extension, and I have not contacted the plaintiffs concerning this request as they are proceeding *pro se* and are incarcerated.

Accordingly, in order to allow for completion of service, for receipt of the records, and for discussions with my clients in order to properly respond to the complaint, I respectfully request a ninety-day extension to respond to the complaint as set forth above.

Extension approved. Status
Reports due from AAG on
July 2 and August 2, 2008

SO ORDERED

Ronald L. Ellis 6-3-08

MAGISTRATE JUDGE RONALD L. ELLIS

Respectfully submitted,

Frederick Wen

Frederick H. Wen (FW-7588)
Assistant Attorney General
120 Broadway
New York, NY 10271
(212) 416-6536

cc (with enclosure): Luis Andino
05-B-1233
Wyoming Correctional Facility
P.O. Box 501
Dunbar Road
Attica, NY 14011-0501

DialloRafik A. Madison
94-A-7376
Mid-State Correctional Facility
P.O. Box 2500
Marcy, New York 13403-0216